

Message Text

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PAGE 01 AMMAN 05512 251530Z

41/53

ACTION SCS-03

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TO SECSTATE WASHDC 2480

UNCLAS AMMAN 5512

C O R R E C T E D C O P Y FOR MRN (5512 VICE 5612)

E.O. 11652: N/A

TAGS: CGEN (RACINE, R. JOSEPH)

SUBJECT: COMPENSATION FOR AEROFLOT ACCIDENT

REFS: AMMAN 3422 OF JUNE 30, 1973;

AMMAN 3456 OF JULY 1, 1973.

1. I HAVE BEEN ADVISED BY ATTORNEY REPRESENTING PROFESSOR R. JOSEPH RACINE IN CLAIM AGAINST AEROFLOT (REFTELS), FOR COMPENSATION RESULTING FROM INJURIES RECEIVED IN AEROFLOT ACCIDENT JUNE 30, 1973, THAT AEROFLOT REPRESENTATIVE HAS OFFERED SETTLE CLAIM OUT OF COURT FOR \$9,000.00 AS BEING MAXIMUM ALLOWED UNDER ARTICLE 22 OF WARSAW CONVENTION OF OCTOBER 12, 1929. ATTORNEY HAS ADVISED THAT WARSAW CONVENTION FIXED MAXIMUM LIABILITY AT JD.3000 (APPROX. \$9,000.00) AND THAT HAUE PROTOCOL OF SEPTEMBER 28, 1955 INCREASED THIS TO JD.6000 (APPROX. \$18,000.). HE FURTHER ADVISED THAT JORDANIAN COUNCIL OF MINISTERS PASSED RESOLUTION ADOPTING HAGUE PROTOCOL DECEMBER 10, 1956 BUT AT LEAST PARTLY AS RESULT POLITICAL PROBLEM WITH POLISH DEPOSITARY DID NOT DEPOSIT THE REQUIRED INSTRUMENT OF RATIFICATION UNTIL EARLY 1974, AFTER THE AEROFLOT ACCIDENT.

2. ATTORNEY BELIEVES THAT TOTAL CLAIM WOULD EXCEED \$100,000.00 AND THE THERE POSSIBILITY THAT HE COULD GET COURT SETTLEMENT FOR HAGUE PROTOCOL MAXIMUM OF JD.6000. BUT THAT COSTS INVOLVED WOULD NOT MAKE COURT CASE WORTHWILE
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(WITNESS WOULD HAVE TO BROUGHT TO JORDAN LARGELY AT

PROF. RACINE'S EXPENSE, LEGAL FEES, ETC.).

3. NEVERTHELESS, ATTORNEY BELIEVES \$9000.00 SETTLEMENT VERY UNFAIR TO RACINE AND HE HAS SUGGESTED I MAKE AN APPEAL TO THE SOVIET AMBASSADOR IN AMMAN ON BEHALF OF RACINE TO SETTLE OUT OF COURT FOR \$18,000.00. I AGREE \$9000.00 VERY UNFAIR TO RACINE WHO ALREADY HAS MEDICAL EXPENSES AND LOSS OF EARNINGS OF \$20,000.00 AND AM WILLING DO THIS UNLESS DEPARTMENT SEES OBJECTIONS. PLAN TO RAISE WITH SOVIET AMBASSADOR VRONIN AFTER OCTOBER 1, 1974, UNLESS OTHERWISE ADVISED TO CONTRARY BY DEPARTMENT.
PICKERING

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